

REMARKS

Claims 1-11, 15, 19, 20 and 22 have been examined, and claims 12-14, and 16-18 have been withdrawn from consideration. Claims 1, 5-8, 10, 11, 15, 20 and 21(1, 5-8, 10, 11, 15 and 20) have been rejected under 35 U.S.C. § 102(b), and claims 2-4, 9, 19, 21/(2-4, 9, 19) and 22 have been rejected under 35 U.S.C. § 103(a).

I. Rejections under 35 U.S.C. § 102(b) in view of JP 11-70654 to Katakura (“Katakura”)

The Examiner has rejected claims 1, 5-8, 10, 11, 15, 20 and 21(1, 5-8, 10, 11, 15 and 20) under 35 U.S.C. § 102(b) as being anticipated by Katakura.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites that an electrode wiring drawn out of an upper electrode is provided only on one end portion in a longitudinal direction of a pressure generating chamber, while a protection layer is provided only on the other end portion.

The Examiner maintains that Katakura discloses the above features. In particular, it appears that the Examiner maintains that layer 23 of Katakura discloses the claimed upper electrode (i.e. Examiner annotated figure on pg. 3 of the Office Action). Further, the Examiner appears to maintain that the portion of the upper electrode, which extends into the non-active portion on the left hand side of the figure, is the claimed electrode wiring, while the portion of the upper electrode which extends to the non-active portion on the right hand side of the figure is the claimed protective layer.

The alleged electrode wiring of Katakura, however, is not drawn out from the alleged upper electrode 23, and provided only on one end portion of the pressure generating chamber 11. Rather, the cited portion is merely the end portion of the alleged upper electrode 23, i.e. a part of the upper electrode itself. As positively recited in claim 1 and disclosed in the non-limiting embodiment of Fig. 5B, the electrode wiring and the upper electrode are two separate elements. Therefore, Applicant submits that the “end portion” of the alleged upper electrode 23 fails to teach or suggest the claimed electrode wiring.

For similar reasons as set forth above, Applicant submits that the other end portion of the alleged upper electrode 23 fails to teach or suggest the claimed protection layer (i.e. since the cited portion is a part of the actual upper electrode 23 itself, rather than a separate element).

In view of the above, Applicant submits that claim 1 is patentable over the cited reference, and respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claims 5-8, 10, 11, 15, 20 and 21(1, 5-8, 10, 11, 15 and 20)

Since claims 5-8, 10, 11, 15, 20 and 21(1, 5-8, 10, 11, 15 and 20) are dependent, either directly or indirectly, upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

II. Rejection under 35 U.S.C. § 103(a) over EP 0 976 560 A2 to Shimada et al.

(“Shimada”) in view of Katakura

The Examiner has rejected claims 2-4, 9, 19, 21/(2-4, 9, 19) and 22 under 35 U.S.C. § 103(a) as being unpatentable over Shimada in view of Katakura. However, since claims 2-4, 9, 19, 21/(2-4, 9, 19) and 22 are dependent, either directly or indirectly, on claim 1, and Shimada fails to cure the deficient teachings of Katakura, as set forth above, Applicant submits that such claims are patentable at least by virtue of their dependency.

III. Newly Added Claims

Applicant has added claims 23-25 to provide more varied protection of the present invention. Applicant submits that claims 23-25 are patentable at least by virtue of their dependency upon claim 1.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

Amendment under 37 C.F.R. §1.111
U.S. Application No. 09/977,197

overpayments to said Deposit Account.

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 10, 2004

Respectfully submitted,



Allison M. Tulino
Registration No. 48,294